

# State, U.S. iron out deal to end Delta water war

By Nancy Vogel  
Bee Staff Writer

California and the federal government struck a cease-fire Thursday in the state's most important water battle, unveiling a new Delta plan with remarkably broad support.

"The war is over at long last," said U.S. Secretary of the Interior Bruce Babbitt in a Sacramento news conference attended by the state's and nation's most powerful water officials, including U.S. Environmental Protection Agency Administrator Carol Browner.

The plan, which was being hammered out until late Wednesday, will regulate how much water flows through the Sacramento-San Joaquin Delta to San Francisco Bay. The source of most of the state's

drinking and irrigation water, the Delta also holds the remnants of the West Coast's richest inland fishery, including two fish species protected by the U.S. Endangered Species Act.

That federal act, and its power to shut down the Delta pumps that fill major aqueducts, helped push and shape the agreement. Under the plan, farmers and cities will be shielded from giving up more water for endangered species. Instead, if biologists find that a species needs more water, the federal government will find and pay for the water, Babbitt said.

"We're saying a deal's a deal," he said.

What's more, the plan will ease the pressure of killing too many Delta smelt and winter-run chinook

Please see DELTA, back page A23

Continued from page A1  
salmon — both protected species — for the operators of the state's two biggest water projects. Federal wildlife officials said that under more flexible rules they expect to release in February, the projects will be allowed to "take" more of the fish.

Last year, slowing the pumps to avoid harming those species cost the Central Valley Project and State Water Project about 600,000 acre-feet of water, enough to supply 3 million people for a year.

Gov. Pete Wilson said the plan "returns to California a very considerable authority as to how it uses its most precious resource."

He called the Delta a good example of the "unpredictable and harmful effects of the Endangered Species Act." Babbitt, however, said the agreement showed the power and flexibility of the law, which may be revised next year.

He called the new agreement "a very powerful case study that I intend to take up to the U.S. Congress."

"There's plenty of room in California for agriculture, cities, salmon, wetlands, waterfowl and all the other natural wonders of this state," he said.

Under the plan, the two biggest water projects in the state will give up an additional 1.1 million acre-feet of water in a critically dry year, a roughly 20 percent cut. Knowing ahead of time how much they'll be asked to give up helps offset the pain of the loss, water users said.

For example, in the Kern County Water Agency's district last year — a critically dry year — farmers left 100,000 of 900,000 acres fallow because many did not know they would get enough water for a crop until too late to get bank loans, said Dave Schuster, a consultant for the agency.

"We'll be much better off than we have been the last several years," he said.

Others said the agreement will end the gridlock and uncertainty that has dampened California's economic recovery.

"This agreement allows us to now tell the business community we have a reliable source of water," said John "Woody" Wodraska, general manager of the Metropolitan Water District, which serves 15 million Southern Californians.

66  
There's plenty of room  
in California for  
agriculture, cities,  
salmon, wetlands,  
waterfowl and all the  
other natural wonders  
of this state.

99  
Bruce Babbitt  
Secretary of the Interior

Environmentalists offered less effusive praise, but no criticism.

"We're going to sign the agreement," said David Behar, executive director of the Bay Institute. "It's not an easy thing to do because there are some issues that haven't been dealt with yet. But it gets everyone on the same page and allows everyone to move forward in an era of cooperation."

State Sen. Tom Hayden, D-San-

# Delta:

## Deal may end uncertainty hurting state economy

ta Monica, offered some of the only criticism heard Thursday. He said his Senate Natural Resources Committee will hold hearings on the plan in January.

"I cannot support a compromise that puts salmon at the risk of extinction while we waste water and recklessly overdevelop Southern California," he said.

The heart of the new Delta plan was written by an unprecedented coalition of water users from Central Valley farm fields and Southern California cities. They issued a plan this fall, and in the last several weeks federal and state officials worked it over until all could sign off on it.

The plan unveiled Thursday, for example, prevents the state's water projects from taking more than 35 percent of the water flowing into the Delta in February. In their plan, the water users had sought to pump away 65 percent of the inflow in February, a month when young salmon are vulnerable to being swept away.

The plan also calls for stronger flows down the San Joaquin River for the sake of salmon and commits water users to paying for fish screens, habitat restoration and

other non-water measures.

Still unresolved is whether the U.S. Fish and Wildlife Service will list the Sacramento splittail under the federal Endangered Species Act. Even if it were listed, wildlife officials said Thursday, the splittail would not cost water users.

While speaker after speaker Thursday heralded the plan as a historic compromise, it will launch another era of Delta wrangling.

Starting in June, the State Water Resources Control Board must sift through water rights to decide how much water each user will have to give up to meet the new standards.

People who divert water above the Delta, such as Sacramento Valley farmers, argue they should not be held responsible for damage wrought by water project pumps in the Delta. Those who depend upon the pumps argue the board should spread the pain.

The state water board is expected to officially adopt the new Delta plan in March, then submit it to the federal EPA for approval. The new plan will last three years, while a federal-state team uses it as the cornerstone for a long-term Delta plan.

### A Delta timeline

The 1,200-square-mile Delta provides two-thirds of the state's population and millions of acres of farmland with all or part of their water. It is also home to more than 100 species of fish and Suisun Marsh, the largest contiguous wetland remaining in California. A tidal marsh until farmers began building levees and draining land in the 1850s, the Delta carries runoff from more than 40 percent of the state.

1978: The State Water Resources Control Board adopts a plan, called D-1485, to protect fish and wildlife in the Sacramento-San Joaquin Delta. It forces the state's two biggest water projects to allow enough freshwater to flow out to San Francisco Bay to meet certain salinity standards.

1986: An appellate court, considering assorted lawsuits challenging D-1485, declares the standards inadequate.

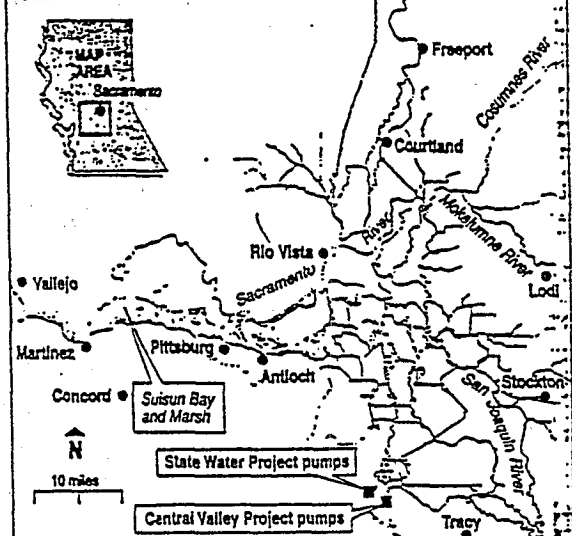
1991: The state water board releases a salinity plan for the Delta. The Environmental Protection Agency rejects part of it as inadequate and begins work on its own plan.

1992: At the request of Gov. Pete Wilson, and after more months of hearings, the water board writes new Delta standards meant to last five years.

1993: Wilson asks the board to drop these standards, saying the federal Endangered Species Act, as it applies to winter-run chinook salmon and Delta smelt, had pre-empted state efforts. Also, in December, the EPA releases a draft set of water quality standards for the Delta.

Dec. 15, 1994: Federal and state officials agree to Delta standards endorsed by farmers, city water managers and environmentalists. The EPA says it will approve the plan after the state officially adopts it.

### The Delta



Bee graphic/Mitchell Brooks